

In Our View: Chartering Rocky Course

By [The Columbian](#)

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Given the egregious timing of the state Supreme Court's decision regarding charter schools, Gov. Jay Inslee should carefully weigh the idea of calling a special session of the Legislature to deal with the issue. Beyond that, however, advice for the governor will be difficult to come by, considering the contentious nature of charter schools.

Late Friday afternoon — days before Labor Day and days after many schools had opened for classes — the court unveiled a ruling over which it had been deliberating for nearly a year. In a 6-3 decision, the justices declared Washington's charter school system to be unconstitutional. Leaning upon a 1909 decision as precedent, the court ruled that charter schools are not "common schools" because they use public money but are governed by independent boards rather than publicly elected boards. Therefore, "money that is dedicated to common schools is unconstitutionally diverted to charter schools," Chief Justice Barbara Madsen wrote.

Charter schools were approved in 2012 when 50.69 percent of voters favored Initiative 1240. One school opened last year, and eight others started with this school year, collectively serving about 1,200 students in kindergarten through high school in the Spokane, Tacoma, Highline, and Seattle areas. Proponents say that such schools are better equipped to educate students who are poorly served by traditional schools, and Washington's system gives preference to low-income areas. In editorially supporting the measure in 2012, The Columbian wrote, "Initiative 1240 has plenty of protections for the traditional education system."

Those protections were not enough for the Supreme Court, serving as a reminder that the will of the people remains subject to the state constitution. The frustration, however, derives from school children who now find themselves in limbo. The Supreme Court did not specify what should happen to the existing charter schools, instead sending the issue back to King County Superior Court. The parties have 20 days to ask the court for reconsideration before the ruling becomes final but, said Paul Lawrence, who represented charter school opponents: "The bottom line is that the initiative is unconstitutional so the charter schools that were authorized under the charter-school initiative can't be publicly funded. If there's any avenue, it's going to be through some act of the Legislature."

Inslee's office has said he is reviewing the ruling, and The National Alliance for Public Charter Schools — along with others — has called upon the governor to convene a special session of the Legislature.

That tactic could be problematic. Given the narrow margin by which voters approved charter schools three years ago, it stands to reason that a similar divide exists among lawmakers. And given the fact that a scheduled 105-day legislative session lasted a record 176 days earlier this year, expecting a quick resolution from lawmakers might be a pipe dream. If Inslee sees fit to call the Legislature together to discuss charter

schools, he best be certain he has the votes needed to forge a solution or be confident in his ability to twist the necessary arms.

The timing of the Supreme Court ruling is problematic for more than 1,000 Washington students. But considering that the Legislature is being held in contempt by the court for its failure to properly provide for more than 1 million public school students, it would seem that lawmakers have more pressing issues to deal with.